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OFFICE OF PETITIONS

In re Application of	:	
Zoller et al.	:	
Application No. 10/817,439	:	DECISION ON PETITION
Filed: 1 April, 2004	:	
Attorney Docket No.: 53766US010	:	

This is a decision on the petition filed on 28 March, 2006, under 37 C.F.R. §1.183, to waive provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1).

For the reasons set forth below, the petition under 37 C.F.R. §1.183 to waive provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1) is **GRANTED**.

BACKGROUND

The record reflects that:

- in the instant application, the Examiner has requested (16 September, 2005) incorporation of the Certificate of Correction changes, which request by its nature requires that a clean copy of the specification be submitted;
- however, the regulations at 37 C.F.R. §1.125(d) bar entry of the substitute specification in the absence of a waiver;
- therefore, the Petitioner seeks waiver under 37 C.F.R. §1.183 to waive provisions of 37

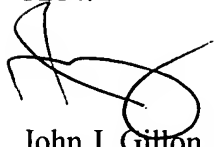
C.F.R. §1.125(d) and §1.173(a)(1). (See: MPEP §1411.01.¹)

CONCLUSION

Petitioner's request for waiver under 37 C.F.R. §1.183 of the provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1) hereby is **granted**.

This file is released to Technology Center 1700 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gilton, Jr.
Senior Attorney
Office of Petitions

¹ The commentary at MPEP § 1411.01 provides:

1411.01 Certificate of Correction or Disclaimer in Original Patent [R-2] - 1400 Correction of Patents

1411.01 Certificate of Correction or Disclaimer in Original Patent [R-2]

The applicant should include any changes, additions, or deletions that were made by a Certificate of Correction to the original patent grant in the reissue application without underlining or bracketing. The examiner should * make certain that all Certificate of Correction changes in the patent have been properly incorporated into the reissue application.

Certificate of Correction changes and disclaimer of claim(s) under 37 CFR 1.321(a) should be made without using underlining or brackets. Since these are part of the original patent and were made before the reissue was filed, they should show up in the printed reissue >patent< document as part of the original patent, i.e., not in italics or bracketed. If the changes are extensive and/or applicant has submitted them improperly with underlining and brackets, a clean copy of the specification with the Certificate of Correction changes in it may be requested by the examiner. >In order for the clean copy to be entered as a substitute specification, the reissue applicant must file a grantable petition under 37 CFR 1.183 for waiver of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1). The examiner's request for the clean copy will generally serve as sufficient basis for granting the petition.